In the Supreme Court of the United States

OCTOBER TERM, 1949

No. 213

UNITED STATES OF AMERICA EX REL. LEE WO SHING, PETITIONER

v.

W. FRANK WATKINS, DISTRICT DIRECTOR OF THE IMMIGRATION AND NATURALIZATION SERVICE IN THE NEW YORK DISTRICT, OR SUCH OTHER PERSON, IF ANY, WHO MAY HAVE THE CUSTODY OF LEE WO SHING

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE RESPONDENT

The petition for a writ of certiorari presents the same question as that presented in No. 154, *Wong Yang Sung, Petitioner* v. *Tom C. Clark, Attorney General of the United States, and Watson B. Miller, United States Commissioner of Immigration and Naturalization Service,* now pending on petition for a writ of certiorari to the Court of Appeals for the District of Columbia Circuit, *viz,* whether deportation proceed-

ings are required to be conducted in accordance with the provisions of the Administrative Procedure Act of June 11, 1946, 60 Stat. 237, *et seq.* In the latter case, the Government filed a memorandum stating that it does not oppose the issuance of a writ of certiorari because the question raised is one of importance in the administration of the immigration laws in respect of which an early authoritative decision is desirable. It is suggested, therefore, that the Court enter an appropriate order in the instant case in the light of the disposition to be made of the petition for a writ of certiorari in the *Wong Yang Sung* case and the final decision reached in that case should the writ issue.

Respectfully submitted.

PHILLIP B. PERLMAN,
Solicitor General.

SEPTEMBER 1949.

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MARCH 13, 1950.*

Per Curiam Decisions.

No. 213. UNITED STATES EX REL. LEE WO SHING *v.* SHAUGHNESSY, ACTING DISTRICT DIRECTOR OF THE IMMIGRATION AND NATURALIZATION SERVICE. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. *Per Curiam:* The petition for writ of certiorari is granted and the judgment is reversed. *Wong Yang Sung* v. *McGrath, ante,* p. 33. MR. JUSTICE CLARK took no part in the consideration or decision of this case. *Abraham Lebenkoff* and *Harry J. Stein* for petitioner. *Solicitor General Perlman* filed a memorandum for respondent. Reported below: 175 F. 2d 194.

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